

From: Bruce Molay
To: Microsoft ATR
Date: 1/10/02 11:21pm
Subject: Microsoft Settlement

To: Judge for Microsoft Case
From: Bruce Molay, US Citizen
Re: Regarding Microsoft Settlement/Case

My Background:

I am writing as a user of computer systems, a professional programmer, and an instructor in computer science. I began writing computer programs in 1968, I began writing programs professionally in 1983, and have been teaching computer science since 1976. I have seen the changes in computer technology and in the computer industry for three decades. I have also experienced firsthand Microsoft's deceptive business practices.

Regarding a Settlement:

Microsoft walked all over the intention of the earlier consent decree, Microsoft has stomped on competitors and stabbed 'partners' in the back. Evidence at the trial showed many times a blatant disregard for truth. The doctored video tape had to be a form of perjury. Given the company's history, there is reason to believe Microsoft would ever follow the terms of another agreement.

In fact, as professional coders, they would take as a challenge the project of figuring out a clever way to work within the letter of the agreement while utterly violating the spirit of the agreement. Clever programmers take binary codes designed to do one thing and play with the rules to get computers to do something else. Legal agreements are just another game for Bill Gates to hack.

Finally, a settlement saves the company from having to accept or admit guilt. A settlement ignores the fact that a federal judge and the appeals court were unanimous, in detailed, unambiguous, direct rulings, about the clear violations of anti-trust law. A settlement allows Microsoft to pretend it was all a misunderstanding, something that can be settled amicably between parties trying to compromise.

Convicted Criminals Deserve Punishment:

Microsoft has demonstrably damaged competition and free enterprise. Microsoft has benefitted enormously from lack of competition. In short, they killed the competition and stole money from consumers. Even if they promise never to kill competition and never to steal again,

they ought not to keep of their ill-gotten gains.

I am not a lawyer, but it seems to me that if a bank robber is convicted of a robbery, and then promises to stop robbing banks, and gets no jail time, we at least expect him to give the money back. Or maybe pay out as a fine.

Convicted Criminals and Weapons:

I think we require background checks when people try to buy guns. People convicted of using guns to hurt people and property should not be trusted to carry them around, or at least deserve some real supervision.

Microsoft used their desktop monopoly and their proprietary file formats and APIs to prevent and destroy competition in many areas. As we speak, they are adding APIs and changing file formats and using the desktop monopoly to attack Real Networks, Kodak, and even universal email protocols that make the Internet so useful to millions. Microsoft still possesses these weapons and is still using them.

Take away their weapons. Force MS to publish all file formats and windows APIs. They do not have to publish their source code; most of us in the industry do not want to look at Microsoft's 'crown jewels', there is too large a risk of intellectual property lawsuits. Impose hefty fines and the threat of a break up if they violate the rules.

Arrange to pay bounties to people who find undocumented or incorrectly formats and APIs. Pay those bounties, upon review by a truly independent board, directly from MS to that coder. Doing so will make MS think twice about the cost of each violation. Doing so will create a staff of highly skilled inspectors, something the federal government can ill afford to fund in these economic times. Offering rewards for information about a crime is has a long tradition in our legal system.

Summary: No Settlement

They have broken laws, hurt people, businesses, and stayed the invisible hand of the market. Fine them, don't trust them, and please take away their guns.